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Washington, Thursday, February 13, 1941

The President

EXECUTIVE ORDER

EMPLOYMENT OF THE LAND AND NAVAL FORCES IN THE CONTROL OF VESSELS IN THE TERRITORIAL WATERS OF THE UNITED STATES AND THE CANAL ZONE

WHEREAS section 1 of Title II of the act of June 15, 1917, 40 Stat. 217, 220 (U.S.C., title 50, sec. 191), provides:

Whenever the President by proclamation or Executive order declares a national emergency to exist by reason of actual or threatened war, insurrection, or invasion, or disturbance or threatened disturbance of the international relations of the United States, the Secretary of the Treasury may make, subject to the approval of the President, rules and regulations governing the anchorage and movement of any vessel, foreign or domestic, in the territorial waters of the United States, may inspect such vessel at any time, place guards thereon, and, if necessary in his opinion in order to secure such vessels from damage or injury, or to prevent damage or injury to any harbor or waters of the United States, or to secure the observance of the rights and obligations of the United States, may take, by and with the consent of the President, for such purposes, full possession and control of such vessel and remove therefrom the officers and crew thereof and all other persons not specially authorized by him to go or remain on board thereof.

WHEREAS by proclamation dated June 27, 1940,¹ I declared a national emergency to exist by reason of threatened disturbance of the international relations of the United States, and such emergency still exists;

WHEREAS I approved on June 27, 1940, and July 9, 1940, respectively, regulations issued by the Secretary of the Treasury and regulations issued by the Governor of the Panama Canal² pursuant to the above-quoted statutory provisions; and

WHEREAS section 4 of Title II of the said act of June 15, 1917, provides:

The President may employ such part of the land or naval forces of the United States as he may deem necessary to carry out the purpose of this title.

¹ F. R. 2419.
² F. R. 3393.

NOW, THEREFORE, by virtue of the authority vested in me by the last above-quoted statutory provisions, it is hereby ordered as follows:

Upon request of the Secretary of the Treasury or the Governor of the Panama Canal (or of such officers as are designated in regulations prescribed pursuant to section 1 of Title II of the said act of June 15, 1917) for assistance in the control of vessels in the territorial waters of the United States or in the territorial waters of the Canal Zone, respectively, those in command of the land and naval forces of the United States shall employ such part of the forces under their respective commands as may be necessary and available to render the assistance requested: *Provided*, that any such request by the Governor of the Panama Canal shall, while Executive Order No. 8232³ of September 5, 1939 (placing control of the Panama Canal and Canal Zone in the Officer of the Army commanding the United States troops in the Canal Zone), or any future Executive order of like effect, remains in force, be subject to the approval of the commanding officer designated therein.

FRANKLIN D ROOSEVELT
 THE WHITE HOUSE,
 February 11, 1941.
 [No. 8677]

[F. R. Doc. 41-1040; Filed, February 12, 1941; 9:43 a. m.]

EXECUTIVE ORDER

PLACING CERTAIN LANDS UNDER THE CONTROL AND JURISDICTION OF THE NAVY DEPARTMENT, THE WAR DEPARTMENT, AND THE UNITED STATES PUBLIC HEALTH SERVICE

PUERTO RICO

By virtue of the authority vested in me by the act of July 1, 1902, c. 1383, 32 Stat. 731, as amended by the act of May 17, 1932, c. 190, 47 Stat. 158, and as President of the United States, and (1) in conformity with the provisions of Act No.

³ 4 F. R. 3812.

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32 of the Legislature of Puerto Rico, approved April 19, 1939, authorizing, in part, the Commission of the Interior of Puerto Rico to convey certain lands to the United States for use as a naval air base, and other purposes, and with the provisions of the deed of conveyance dated November 7, 1939, executed by the said Commissioner pursuant to such Act, and (2) in conformity with the provisions of Act No. 67 of the Legislature of Puerto Rico, approved April 25, 1940, authorizing, in part, the Commissioner of the Interior of Puerto Rico to convey certain lands to the United States for national-defense purposes, and with the provisions of the deed of conveyance dated July 3, 1940, and the deed of correction dated September 4, 1940, executed by the said Commissioner pursuant to such Act, it is ordered as follows:

A. The following-described lands are placed under the control and jurisdiction of the Navy Department for use in connection with the United States Naval Air Station, San Juan, Puerto Rico:

1. All that tract of land delineated on Navy Department Drawing entitled "Navy Department, Bureau of Yards and Docks, Naval Air Station, Isla Grande, Puerto Rico, Plot of Parcel No. 2, No. 133498," dated September 20, 1939, which tract is more particularly described as follows:

Beginning at point No. 7 (marked by a 4-inch square post, set deep into the mud, centered by a 1-inch iron pipe) of the former harbor line for the South shore of Miraflores Bay, San Juan, said point being South forty-two hundred five and ninety-nine hundredths (4205.99) feet and East thirty-seven hundred twenty-three and ninety-four hundredths (3723.94) feet of a point at the intersection of "D" and "L" Streets in the City of San Juan, which point of reference is the origin of the coordinate system of all harbor surveys made by the War Department in San Juan Harbor; thence along said former harbor line of the South shore of Miraflores Bay, San Juan, South eighty-seven degrees forty-seven minutes fifty-six and nine-tenths seconds East (S 87°47'56.9" E) to point A, a distance of two hundred forty-nine and eight hundredths (249.08) feet; thence North two degrees twelve minutes three and one-tenth seconds East (N 2°12'3.1" E) to point B, a distance of three hundred twenty-eight and eight hundredths (328.08) feet; thence North eighty-seven degrees forty-seven minutes fifty-six and nine-tenths seconds West (N 87°47'56.9" W) to point C on a stone dike already constructed, a distance of seven hundred forty-one and twenty-one hundredths (741.21) feet; thence South forty-seven degrees fifty-nine minutes thirty-four and two-tenths seconds East (S 47°59'34.2" E) along the stone dike to point D, a distance of five hundred twelve and forty-seven hundredths (512.47) feet; thence South eighty-seven degrees forty-seven minutes fifty-six and nine-tenths seconds East (S 87°47'56.9" E) a distance of ninety-eight and forty-two hundredths (98.42) feet to the point of beginning; said parcel No. 2 containing four and ten hundredths (4.10) acres, more or less;

together with a right-of-way leading from the said Parcel to the highway system, as shown on Navy Department Drawing entitled "Navy Department, Bureau of Yards and Docks, Naval Air Station, Isla Grande, Puerto Rico, Plot of Parcel No. 1, No. 133497," dated September 20, 1939, which right-of-way is more particularly described as follows:

Beginning at point A, said point being South forty-two hundred fifteen and fifty-six hundredths (4215.56) feet and East thirty-nine hundred seventy-two and eighty-four

hundredths (3972.84) feet of a point at the intersection of "D" and "L" Streets in the City of San Juan, which point of reference is the origin of the coordinate system of all harbor surveys made by the War Department in San Juan Harbor; thence following the course of the former harbor line 7-6 along the South shore of Miraflores Bay, San Juan, South eighty-seven degrees forty-seven minutes fifty-six and nine-tenths seconds East (S 87°47'56.9" E) for a width of thirty-two and eighty-one hundredths (32.81) feet lying to the North of and parallel to said harbor line 7-6 for a distance of thirty-three hundred forty-six and forty-five hundredths (3346.45) feet to the West side of a nameless street that runs parallel to and at a distance of about two hundred sixty-two and forty-seven (262.47) feet to the North-West of the road leading to Miraflores Island; said parcel No. 1 containing two and fifty-two hundredths (2.52) acres, more or less.

2. All that tract of land delineated on Navy Department Drawing entitled "Navy Department, Bureau of Yards and Docks, Naval Air Station, Isla Grande, Puerto Rico, Plot of Parcel No. 4, No. 133500," dated September 20, 1939, which tract is more particularly described as follows:

Beginning at point No. 2 of the U. S. Harbor Line system established by the Secretary of War for San Juan Harbor under date of August 21, 1916, and as shown on map entitled "Pierhead and Bulkhead Lines for the East and South Shores of San Juan Bay, Porto Rico, including San Antonio and Martin Pena Channels", said point being South fifteen hundred fifty-nine and forty-two hundredths (1559.42) feet and East twelve hundred forty-two and forty-three hundredths (1242.43) feet of a point at the intersection of "D" and "L" Streets in the City of San Juan, which point of reference is the origin of the coordinate system of all harbor surveys made by the War Department in San Juan Harbor; thence following the course of the harbor line South eighty-two degrees fifty minutes thirteen and nine-tenths seconds East (S 82°50'13.9" E) a distance of eight hundred (800.00) feet; thence due South a distance of one hundred fifty (150.00) feet; thence due West a distance of eighty (80.00) feet; thence due South three hundred thirty (330.00) feet; thence due West a distance of three hundred nineteen and thirty-four hundredths (319.34) feet to the San Juan Harbor Line; thence following the course of the harbor line North thirty-four degrees thirteen minutes forty-three seconds West (N 34°13'43" W) a distance of seven hundred one and twenty hundredths (701.20) feet to harbor line point No. 2, the point of beginning, subject to the lineal extension Westerly of the Southerly boundary and a Westerly extension of the Westerly boundary in conjunction with any modification of the San Juan Harbor lines, said described parcel containing an area of five and eighty-nine hundredths (5.89) acres, more or less.

3. All of Miraflores Island.

B. The following-described land is hereby placed under the control and jurisdiction of the War Department for use as a United States Engineer Depot for national-defense purposes:

All that tract of land located in the Ward of Puerta de Tierra in the Municipality of San Juan comprising 5.49 acres and delineated on photostatic copy of map of Department of Interior, Division of Public Lands and Archives, Puerto Rico, approved January 29, 1940, as modified by the Bureau of Yards and Docks of the Navy Department, on file in the office of the Chief of Engineers, War Department, the said tract being described as follows:

Beginning at a point No. 13 which is forty-three and sixty-two hundredths (43.62) feet from point "K" of the Bulkhead line on a bearing of North seventy-seven degrees four minutes and fifty-six seconds West (N 77°04'56" W) and from said point No. 13 to point "1A" with a bearing of North nine degrees forty-three minutes East (N 9°43' E)

a distance of four hundred ninety-one and twelve hundredths (491.12) feet; thence South seventy-seven degrees and twelve minutes East (S 77°12' E) a distance of five hundred (500.00) feet to point "1B"; thence South twelve degrees forty-eight minutes West (S 12°48' W) a distance of four hundred ninety-one and thirty-seven hundredths (491.37) feet to point "1C", which is in the intersection of this course and the line "K-P" of the Bulkhead line; thence along said Bulkhead line North seventy-seven degrees four minutes and fifty-six seconds West (N 77°4'56" W) a distance of four hundred seventy-three and fifty-eight hundredths (473.58) feet to point No. 13, which is the point of beginning.

C. The following-described land is hereby placed under the control and jurisdiction of the United States Public Health Service, Federal Security Agency, for use as a quarantine station or as a site for a Marine hospital, or both, for national-defense purposes:

All that tract of land located in the Ward of Puerta de Tierra in the Municipality of San Juan comprising 7.92 acres and delineated on photostatic copy of map of Department of the Interior, Division of Public Lands and Archives, Puerto Rico, approved January 29, 1940, as modified by the Bureau of Yards and Docks of the Navy Department, on file in the Public Health Service, Federal Security Agency, the said tract being described as follows:

Beginning at a point "12B" which is a point located on the North Pierhead and Bulkhead line of San Antonio Channel, said point being located a distance of five hundred ninety-eight and eight hundredths (598.08) feet from point "P" and bearing North seventy-seven degrees four minutes and fifty-six seconds West (N 77°04'56" W) therefrom; thence bearing North seventy-seven degrees four minutes and fifty-six seconds West (N 77°04'56" W) along said Pierhead and Bulkhead line a distance of seven hundred four and twelve hundredths (704.12) feet to point "12C"; thence bearing North twelve degrees forty-eight minutes East (N 12°48' E) a distance of four hundred ninety-seven and twenty-seven hundredths (497.27) feet to point "1B" which is located on the south edge of the right of way from Fernandez Juncos Avenue; thence bearing South seventy-seven degrees and twelve minutes East (S 77°12' E) a distance of three hundred thirty-five (335.00) feet to point No. 2; thence bearing South seventy-six degrees and six minutes East (S 76°06' E) a distance of ninety-four and thirty-nine hundredths (94.39) feet to point No. 3; thence bearing South seventy-one degrees and twelve minutes East (S 71°12' E) a distance of sixty-three and eighty-five hundredths (63.85) feet to point No. 4; thence bearing South sixty-seven degrees and forty-five minutes East (S 67°45' E) a distance of two hundred fourteen and forty-eight hundredths (214.48) feet to point "4A"; thence bearing South twelve degrees and forty-eight minutes West (S 12°48' W) a distance of three hundred fifty-two and seventy hundredths (352.70) feet to point "12A"; thence bearing South twelve degrees and fifty-nine minutes West (S 12°59' W) a distance of one hundred two and twenty hundredths (102.20) feet to point "12B", which is the point of beginning.

This order supersedes the Executive order of July 22, 1902, reserving Miraflores Island for use as a quarantine station or as a site for a Marine hospital, or both, under the control of the Public Health and Marine Hospital Service, and Executive Order No. 8337¹ of February 3, 1940, placing certain lands in Puerto Rico under the control and jurisdiction

of the Navy Department, the War Department, and the United States Public Health Service, Federal Security Agency.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,

February 11, 1941.

[No. 8678]

[F. R. Doc. 41-1039; Filed, February 12, 1941; 9:43 a. m.]

EXECUTIVE ORDER

PRESCRIBING REGULATIONS GOVERNING THE EXPORTATION OF ARTICLES AND MATERIALS DESIGNATED IN PROCLAMATION No. 2449 OF DECEMBER 10, 1940

Correction

In Executive Order No. 8669 which appears beginning on page 782 of the issue for Thursday, February 6, 1941, the third line of the items under paragraph 1 was omitted. "Iron and Steel Semi-" should appear immediately above the word "manufactures".

Rules, Regulations, Orders

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 2647]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF SHAPIRO FELT RUG COMPANY, ETC., ET AL.

§ 3.69 (b) (1) *Misrepresenting oneself and goods—Goods—Composition:* § 3.69 (b) (9) *Misrepresenting oneself and goods—Goods—Old, second-hand or reconstructed as new—Old and used as unused or new:* § 3.71 (a) *Neglecting, unfairly or deceptively, to make material disclosure—Composition:* § 3.71 (c) *Neglecting, unfairly or deceptively, to make material disclosure—Old and used as unused or new.* Representing, in connection with offer, etc., in commerce, of hats and caps, (1) that hats or caps composed in whole or in part of used or second-hand materials are new or are composed of new materials by failure to stamp on the sweat bands thereof in conspicuous and legible terms which cannot be removed or obliterated without mutilating the sweat bands, a statement that said products are composed of second-hand or used materials, or (2) representing in any manner that hats or caps made in whole or in part from old, used or second-hand materials are new or are composed of new materials, prohibited; subject to the provision, however, that if sweat bands are not affixed to such hats or caps, then such stamping must appear on the body of such hats or caps in conspicuous and legible terms which cannot be removed or obliterated without mutilating said bodies. (Sec. 5, 38 Stat. 719,

as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Shapiro Felt Rug Company, etc., et al., Docket 2647, January 30, 1941]

In the Matter of Shapiro Felt Rug Company, a corporation, trading under its own name and also trading as Esta Hat Company, and Wm. Shapiro, Morris Shapiro and Sarah Shapiro, individually and as officers of Shapiro Felt Rug Company

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 30th day of January, A. D. 1941.

This proceeding having been heard¹ by the Federal Trade Commission upon the amended and supplemental complaint of the Commission, the answer of respondent Morris Shapiro, individually and as an officer and director of Shapiro Felt Rug Company, a corporation, which admits the material allegations of the complaint, testimony and other evidence taken before Robert S. Hall, an examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, brief of the Commission, respondents not having filed brief, and oral argument by Robert Mathis, Jr., counsel for the Commission and by Benjamin Arons, counsel for the respondents, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent Shapiro Felt Rug Company, a corporation trading under its own name and also trading as Esta Hat Company, its officers, representatives, agents and employees, and respondents Wm. Shapiro, Morris Shapiro and Sarah Shapiro, individually and as officers of Shapiro Felt Rug Company, their representatives, agents and employees, directly or through any corporate or other device in connection with the offering for sale, sale and distribution of hats and caps in commerce, as commerce is defined in the Federal Trade Commission Act do forthwith cease and desist from:

(1) Representing that hats or caps composed in whole or in part of used or second-hand materials are new or are composed of new materials by failure to stamp on the sweat bands thereof in conspicuous and legible terms which cannot be removed or obliterated without mutilating the sweat bands, a statement that said products are composed of second-hand or used materials; *Provided,* That if sweat bands are not affixed to such hats or caps, then such stamping must appear on the body of such hats or caps in conspicuous and legible terms which cannot be removed or obliterated without mutilating said bodies.

¹ 5 F.R. 594.

¹ 5 F.R. 50.

(2) Representing in any manner that hats or caps made in whole or in part from old, used or second-hand materials are new or are composed of new materials.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-1046; Filed, February 12, 1941;
11:18 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

PART 240—RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

EXTENSION OF EFFECTIVE DATE OF RULES RELATING TO HYPOTHECATION OF CUSTOMERS' SECURITIES

The Securities and Exchange Commission, deeming it necessary for the exercise of the functions vested in it and necessary and appropriate in the public interest and for the protection of investors so to do, pursuant to authority conferred upon it by the Securities Exchange Act of 1934, as amended, particularly sections 8 (c), 15 (c), (2), 3 (b) and 23 (a) thereof, hereby postpones the effective date of § 240.8c-1¹ [Rule X-8C-1] and § 240.15c2-1² [Rule X-15C2-1] from February 17, 1941 to February 24, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-1038; Filed, February 11, 1941;
4:00 p. m.]

PART 250—GENERAL RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

AMENDMENT TO RULE RELATING TO THE EXEMPTION OF BANKS

Acting pursuant to the authority granted by the Public Utility Holding Company Act of 1935, and particularly sections 3 (a) (3), 3 (a) (4), 12 (f), 12 (g) and 20 (a) thereof, and finding such action appropriate in the public interest and in the interest of investors and consumers, the Securities and Exchange Commission hereby amends § 250.3a3-1 [Rule U-3A3-1] by rescinding paragraph (e) thereof and by amending the last sentence of paragraph (a) and by

amending paragraph (c) thereof, to read as follows:

§ 250-3a3-1 *Exemption of certain banks.* (a) * * * Other terms used in this rule shall have the meaning indicated by item 4 of the general instructions to form U-3A3-1, designated "Adopted January 23, 1941."

(c) No bank shall be exempt from any obligation, duty or liability imposed by the Act upon such bank as a holding company unless the bank shall, within thirty days after the last day of February in each year, prepare and file in good faith with the Commission a statement on form U-3A3-1,¹ designated "Adopted January 23, 1941," containing the information therein specified and any further relevant information which the Commission may require.

Effective February 12, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-1050; Filed, February 12, 1941;
11:36 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-583]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

MEMORANDUM OPINION AND ORDER GRANTING TEMPORARY AND CONDITIONALLY FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 10 FOR REVISION OF PRICE EXCEPTION 3 OF THE SCHEDULE OF EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10 FOR ALL SHIPMENTS EXCEPT TRUCK, SO AS TO ADD MARKET AREA 46 TO THE MARKET AREAS EXEMPT FROM THE SURCHARGE THEREIN PROVIDED

This proceeding in the above entitled matter was instituted upon an original petition filed with the Bituminous Coal Division (the "Division") by District Board 10 on January 11, 1941, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 (the "Act"). The petition prays for the issuance of temporary and final orders revising Price Exception 3 of the Schedule of Effective Minimum Prices for District No. 10 for All Shipments Except Truck, so as to include Market Area 46 among the Market Areas exempted from the 10-cent surcharge applicable elsewhere in the case of shipments in stock or box cars. Sahara Coal Company has filed a petition of intervention in this proceeding, in support of the relief prayed for in the original petition.

On January 30, 1941, an informal conference concerning temporary relief in this matter was held pursuant to § 301.106 (d) of the Rules and Regulations Gov-

erning Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act, upon due telegraphic notice to the original petitioner and the Statistical Bureau for District 10, and notice by memorandum to the Consumers' Counsel. The original petitioner was instructed to notify interested persons of the conference and the Statistical Bureau to post its notice thereof.

Appearances at the conference were noted by the original petitioner and by the Consumers' Counsel Division.

The formal documents and the representations made at the conference indicate that:

The purpose of the exemption of Market Areas 43, 44, 45, 200, and 201 from the 10-cent surcharge applicable elsewhere on stock or box car shipments from District 10 is to permit producers in that district to compete on an equal basis with ex-lake coal in the so-called "dock territory", i. e., the territory in which there are substantial movements of coal from Great Lakes' docks on the west bank of Lake Michigan and the American side of Lake Superior, frequently in competition with coals moving all-rail from Minimum Price Area 2. This exemption was necessitated because of the fact that the dock operators customarily ship their coals in stock or box cars, and do not ordinarily charge a premium for loading coal in such cars. Market Area 46, which includes the Twin Cities, constitutes, like Market Areas 43, 44, 45, 200 and 201, a competitively important portion of the "dock territory." Accordingly, the omission to include Market Area 46 in the territory exempted from the 10-cent surcharge for stock or box car shipments has prejudiced the competitive opportunities of code members of District No. 10 therein.

In view of the foregoing circumstances, and the lack of any opposition to the original petition herein, the Director is of the opinion that a reasonable showing of necessity has been made for the granting of the temporary relief requested, pending final disposition of this proceeding; that an adequate showing has been made of actual or impending injury in the event that such relief is not granted; and that the granting of such relief will not unduly prejudice other interested persons.

Now, therefore, it is ordered, That the petition for temporary relief, pending final disposition of this proceeding, is granted, as follows: Commencing forthwith § 330.8 (b) (3) is amended to read:

Prices listed herein for coal other than railroad locomotive fuel shall be increased 10 cents per net ton when such coal is loaded in stock or box cars and is shipped into any Market Area except Market Area Nos. 43, 44, 45, 46, 200 or 201.

It is further ordered, That applications to stay, terminate or modify this temporary order, or pleadings in opposition

¹ 5 F.R. 4530.

² 5 F.R. 4531.

¹ Filed as a part of the original document.

to the final relief requested in said petition, may be filed within forty-five (45) days from the date hereof, pursuant to the Rules and Regulations Governing Practice and Procedure before the Division in Proceedings Instituted Pursuant to section 4 II (d) of the Act.

And it is further ordered, That the relief herein granted shall become final sixty (60) days from the date hereof unless the Director shall otherwise order.

Dated: February 11, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-1060; Filed, February 12, 1941;
11:53 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

CHAPTER II—CORPS OF ENGINEERS, WAR DEPARTMENT

PART 206—FISHING AND HUNTING REGULATIONS¹

§ 206.50 *Chesapeake Bay, Maryland and Virginia, and its tributary waters; fishing.*

(d) *Requirements.* (1) No single fishing structure shall have a total length greater than 1,200 feet, except in waters on the Eastern Shore south of the entrance to Eastern Bay, where the allowable lengths of single structures shall be not more than 1,800 feet. Between successive fishing structures in the same row, clear and unobstructed intervals of at least 200 feet shall be maintained, and adjoining rows of fishing structures shall be at least 200 feet apart. In addition a clear passageway at least 200 feet wide shall be maintained, reaching from all regular navigable channels to all established boat landings. All stakes shall project not less than 4 feet above the surface of the water at all stages of the tide. Any stake not complying with this condition shall be withdrawn. (Secs. 10, 12, River & Harbor Act, March 3, 1899, 30 Stat. 1151; 33 U.S.C. 403, 406) [Regs. Feb. 6, 1941 (E.D. 7221 (Chesapeake Bay) 133(1))]

[SEAL]

E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41-1044; Filed, February 12, 1941;
9:53 a. m.]

TITLE 35—PANAMA CANAL CHAPTER I—CANAL ZONE REGULATIONS

PART 26—TAXES AND LICENSES

LICENSING AND REGULATION OF PEDDLERS OF FOOD

Part 26 of Title 35 of the Code of Federal Regulations is hereby amended by

¹ § 206.50 (d) (1) is amended.

adding four new sections, §§ 26.4 to 26.7, inclusive, reading as follows:

§ 26.4 *Issuance of licenses.* Licenses for the peddling of food in the Canal Zone, including soda water, other aerated water, or ice cream, shall be issued by the Division of Civil Affairs after approval of the application by the Chief Health Officer.*†

* §§ 26.4 to 26.7, inclusive, issued pursuant to authority contained in E. O. No. 8306 of December 19, 1939, (4 F.R. 4909).

† The source of §§ 26.4 to 26.7, inclusive, is Panama Canal Circular 724-2, Governor, February 5, 1941.

§ 26.5 *Term of licenses.* Licenses shall be valid for a period of not more than six months from the date of issue.*†

§ 26.6 *Restrictions.* (a) All licenses for the peddling of food shall be subject to the conditions contained in Executive Order No. 8306 of December 19, 1939.

(b) Licenses shall not be valid for the sale of soda water, other aerated water, or ice cream unless a receipt is attached showing payment of the prescribed license fee.

(c) Licenses for the peddling of food shall not authorize the holders thereof to sell on piers, locks, ships, or in any other restricted areas, and business conducted in Army or Navy areas shall be subject to such special regulations as may be prescribed by the military or naval authorities.

(d) All foodstuffs kept by a licensee in connection with his business shall be clean and protected against contamination by dirt or insects by being kept in suitable receptacles, and the licensee, while engaged in the sale of foods, shall at all times keep his person and clothes clean.

(e) The sale by a licensee of fresh meat or shell fish, other than live shrimp, is hereby prohibited.

(f) Materials purchased from Canal Zone commissaries or other duty-free materials shall not be sold.*†

§ 26.7 *Effective date; Existing licenses void.* Sections 26.4 to 26.7 shall be effective on and after March 1, 1941, and all licenses issued prior to that date shall be void upon the expiration of fifteen days after that date.*†

R. A. WHEELER,
Acting Governor.

[F. R. Doc. 41-1037; Filed, February 11, 1941;
2:50 p. m.]

TITLE 41—PUBLIC CONTRACTS CHAPTER II—DIVISION OF PUBLIC CONTRACTS

PART 202—MINIMUM WAGE DETERMINATIONS

IN THE MATTER OF AN EXTENSION OF THE MINIMUM WAGE DETERMINATION FOR THE COTTON GARMENT AND ALLIED INDUSTRIES

This matter is before me pursuant to section 1 (b) of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35) en-

titled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes" (hereinafter called the Act).

On December 18, 1940, the Administrator of the Division of Public Contracts issued a notice of opportunity to show cause (5 F.R. 5209) why my decision dated July 28, 1937 (2 F.R. 1333) in the Matter of the Determination of the Prevailing Minimum Wages in the Cotton Garment and Allied Industries, should not be amended to include the manufacture and supply of ammunition and cartridge belts made of textiles; canvas leggings; cot covers; fabric pouches and carriers for first aid equipment, such as: kit canteen ring straps, kit inserts, kit laces, kit couches, kit suspenders; mattress covers; mosquito bars; and wardrobe bags with draw-strings, made of textiles.

The proposed extension of the determination to include the manufacture and supply of the above named products was based upon evidence before the Department to the effect that those products are manufactured by substantially the same manufacturing processes and the same manufacturers as are the other commodities presently subject to my minimum wage determination for the Cotton Garment and Allied Industries.

The notice of opportunity to show cause was sent to all known members of the industry, to trade unions, trade publications, and to trade associations in the field. Notice was given to all other interested parties by publication in the FEDERAL REGISTER (5 F.R. 5209). No objections were received to the notice.

I have examined all the evidence before the Department, including the notice of opportunity to show cause in this matter, and it is my opinion that the prevailing minimum wage for the manufacture of the commodities named above is 37.5 cents per hour or \$15.00 per week of forty hours, and I so find. Therefore, I hereby determine:

§ 202.2 *Cotton garment and allied industries.* The minimum wage for the manufacture and supply of ammunition and cartridge belts made of textiles; canvas leggings; cot covers; fabric pouches and carriers for first aid equipment, such as: kit canteen ring straps, kit inserts, kit laces, kit couches, kit suspenders; mattress covers, mosquito bars; and wardrobe bags with draw-strings, made of textiles, shall be 37.5 cents per hour or \$15.00 per week of forty hours, arrived at either upon a time or piece work basis. Learners may be employed in accordance with the provisions of my minimum wage determination for the Cotton Garment and Allied Industries.

This determination shall be effective and the minimum wage hereby established shall apply to all contracts for these commodities with agencies of the United States Government subject to the provisions of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35), bids

for which are solicited on or after March 6, 1941 (49 Stat. 2036).

Dated February 8, 1941.

[SEAL] FRANCES PERKINS,
Secretary.

[F. R. Doc. 41-1056; Filed, February 12, 1941;
11:48 a. m.]

PART 202—MINIMUM WAGE DETERMINATIONS

IN THE MATTER OF AN EXTENSION OF THE MINIMUM WAGE DETERMINATION FOR THE MEN'S RAINCOAT INDUSTRY

This matter is before me pursuant to section 1 (b) of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35), entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes", (hereinafter called the Act).

On December 18, 1940, the Administrator of the Division of Public Contracts issued a notice of opportunity to show cause (5 F.R. 5209) why my decision dated July 28, 1937 (2 F.R. 1336) In the Matter of the Determination of the Prevailing Minimum Wages in the Men's Raincoat Industry should not be amended to include the manufacture of oiled waterproof cotton outer garments and other types of rainwear.

This notice was based upon evidence before the Department showing that companies engaged in the manufacture of these commodities are engaged in interstate commerce and consequently are subject to the Apparel Industry Wage Order issued by the Administrator of the Fair Labor Standards Act, effective July 15, 1940, which order requires the payment of a minimum wage of 40 cents per hour, and further, upon evidence to the effect that the wages paid in the manufacture of oiled waterproof cotton outer garments and other types of rainwear generally are similar to those paid in the Men's Raincoat Industry.

The notice of opportunity to show cause was sent to all known members of the industry, to trade unions, trade publications, and to trade associations in the field. Notice was given to all other interested parties by publication in the FEDERAL REGISTER (5 F.R. 5209).

Responses to the notice were received from several interested parties. With one exception, these communications indicated that the minimum wage now being paid by companies engaged in the manufacture of such commodities is 40 cents per hour or \$16.00 per week of forty hours.

Upon the basis of the evidence, it is my opinion that the prevailing minimum wage for the manufacture of oiled waterproof cotton outer garments and other types of rainwear is 40 cents an hour or \$16.00 per week of forty hours, and I so find. Therefore,

I hereby determine:

§ 202.4 *Men's raincoats.* The minimum wage for the manufacture and fur-

nishing of oiled waterproof cotton outer garments and other types of rainwear shall be 40 cents per hour or \$16.00 per week of forty hours, arrived at either upon a time or piece work basis.

This determination shall be effective and the minimum wages hereby established shall apply to all contracts for these commodities with agencies of the United States Government subject to the provisions of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35), bids for which are solicited on or after March 6, 1941.

Dated: February 8, 1941.

[SEAL] FRANCES PERKINS,
Secretary.

[F. R. Doc. 41-1055; Filed, February 12, 1941;
11:48 a. m.]

Notices

WAR DEPARTMENT.

[Serial No. 3346 Date 9/14/40¹]

AIR CORPS, MATERIEL DIVISION, WRIGHT
FIELD, DAYTON, OHIO

THE GLENN L. MARTIN COMPANY, BALTIMORE,
MARYLAND

Change Order

Subject: Additional Airplanes.

Affecting Contract W 535 ac-13243.

The Government hereby elects to exercise its right and option contained in Article 24B of Contract W 535 ac-13243 to increase the number of airplanes to be furnished under the terms of Item 1 of Article 16 of said contract and to purchase certain spare parts for such airplanes in accordance with the terms of the option contained in Article 24B of said contract as set forth hereinbelow:

The lot quantity of airplanes, * * * being purchased under the terms of Contract W 535 ac-13243, is hereby increased to * * *. Total additional cost for the airplanes, \$12,972,405.74.

The Contractor shall furnish and deliver to the Government certain spare parts for the airplanes hereinbefore called for at a total price not exceeding, \$1,297,240.57.

Advance payments may be made from time to time for the articles called for under the terms of this Change Order when the Secretary of War deems such action necessary in the interest of the National Defense.

Price adjustment. The prices set forth in this Change Order and applicable only to the articles called for herein are subject to adjustments for changes in labor and material costs.

It is expressly agreed that quotas for labor will not be altered on account of delays in the completion of the articles called for.

¹Change No. 4 to Contract No. W 535 ac-13243; Dated September 9, 1939.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in and are chargeable to Procurement Authority AC 34 P 12-3037 A 0705-01, AC 28 P 82-3037 A 0705-01 the available balance of which is sufficient to cover cost of same.

This change order authorized under the option contained in Contract W 535 ac-13243, and under the provisions of Section 1 (a) of the Act of July 2, 1940.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-1043; Filed, February 12, 1941;
9:53 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Dockets Nos. A-29, A-49, A-98, A-125]

PETITIONS OF DISTRICT BOARD NO. 11, DISTRICT BOARD NO. 10, SAHARA COAL COMPANY AND UNITED ELECTRIC COAL COMPANIES CONCERNING ABSORPTION ON SHIPMENTS OF OFF-LINE RAILROAD LOCOMOTIVE FUEL TO THE GRAND TRUNK WESTERN RAILROAD AND OTHER RAILROADS BY PRODUCERS LOCATED IN DISTRICTS 10 AND 11

NOTICE OF AND ORDER FOR LIMITED REOPENED HEARING

Original petitions having been filed by the above-named parties, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937; and

A hearing having been held thereon before W. A. Cuff, a duly designated Examiner of the Division on November 12-15, 1940, in a Hearing Room of the Division, Washington, D. C.; and

A Second Amended Petition, dated November 22, 1940, having been filed in Docket No. A-29 by District Board No. 11; and

The Director, by his Order dated February 7, 1941, having received said Second Amended Petition, and having ordered that the hearing be reopened for the limited purpose of receiving further evidence on the issues raised by the said Second Amended Petition;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be reopened, under the applicable provisions of said Act and the rules of the Division, on February 20, 1941, at ten o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Thurlow G. Lewis, or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the reopened hearing in this matter. The officer so designated to preside at such hearing is hereby author-

ized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before February 15, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to: Docket No. A-29: The matter of the modification of minimum prices for code members in District No. 11 on shipments of railroad locomotive fuel to the Grand Trunk Western Railroad and Canadian National Railways; Docket No. A-49: The matter of the modification of minimum prices for District No. 10 coals on shipments of railroad locomotive fuel to the Grand Trunk Western Railroad and Canadian National Railways; Docket No. A-98: That portion of the petition which relates to the matter of the establishment of provisions permitting absorption of a portion of the division of freight rates applicable on shipments of railroad locomotive fuel by Sahara Coal Company to the Grand Trunk Western Railroad; and Docket No. A-125: The matter of the establishment of provisions permitting absorption of a portion of the division of freight rates applicable on shipments of railroad locomotive fuel from petitioner's Fidelity Mine (Mine Index No. 47) in District No. 10, to the Grand Trunk Western Railroad.

Dated: February 7, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-1058; Filed, February 12, 1941;
11:52 a. m.]

[Docket No. A-173]

PETITION OF O. W. STEVENS, FRED TANO, ET AL., FOR THE REVISION OF THE EFFECTIVE MINIMUM PRICES OF CERTAIN MINES IN DISTRICT NO. 3, SELLING COAL FOR RESALE TO THE BETHLEHEM-FAIRMONT COAL COMPANY, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER CONSENTING TO WITHDRAWAL OF PETITION

Upon the request of the original petitioners in the above-entitled matter, the Director consents to the withdrawal of their petition and to the dismissal without prejudice of the proceedings therein; accordingly

It is so ordered.

Dated: February 11, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-1059; Filed, February 12, 1941;
11:52 a. m.]

[Docket No. A-459]

PETITION OF BEECH GROVE COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 4, FOR REVISION OF THE EFFECTIVE MINIMUM PRICES OF RAIL COAL FOR SHIPMENT TO ALL MARKET AREAS, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER CONTINUING HEARING

The above-named petitioner having filed a motion requesting that the hearing in the above-entitled matter, heretofore scheduled for February 12, 1941, be continued,

It is ordered, That the hearing in Docket No. A-459, heretofore scheduled for February 12, 1941, is continued until March 4, 1941.

In all other respects the original Notice of and Order for Hearing, as previously amended, shall remain in full force and effect.

Dated: February 11, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-1057; Filed, February 12, 1941;
11:52 a. m.]

DEPARTMENT OF COMMERCE.

Civil Aeronautics Authority.

[Docket Nos. 499, 300]

NOTICE OF HEARING

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, over the route between San Francisco and Hong Kong, being paid to Pan American Airways Company (of Nevada) and in the matter of the petition for an order fixing and determining the fair and reasonable rates of compensation for the

transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, over the route between San Francisco, Calif., and Auckland, New Zealand, pursuant to section 406 of the Civil Aeronautics Act of 1938.

The above-entitled proceeding, involving the determination of fair and reasonable rates of compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith by Pan American Airways Company (of Nevada), is hereby assigned for public hearing on March 4, 1941, 10 o'clock a. m. (Eastern Standard Time) at the Carlton Hotel, 923 16th Street NW., Washington, D. C., before Examiner Albert E. Forster.

Dated Washington, D. C., February 10, 1941.

By the Civil Aeronautics Board.

[SEAL] THOMAS G. EARLY,
Secretary.

[F. R. Doc. 41-1041; Filed, February 12, 1941;
9:53 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ORAL ARGUMENT BEFORE THE ADMINISTRATOR AND OPPORTUNITY TO SUBMIT WRITTEN BRIEFS IN THE MATTER OF THE RECOMMENDATIONS OF INDUSTRY COMMITTEE NO. 14 FOR MINIMUM WAGES IN THE CONVERTED PAPER PRODUCTS INDUSTRY

Whereas, a hearing has been held on January 29, 30, and 31, 1941, before Henry T. Hunt, Esquire, Principal Hearings Examiner of the Wage and Hour Division, as Presiding Officer, at which all persons interested in the report and recommendation of Industry Committee No. 14 for the fixing of minimum wages in the converted paper products industry were given an opportunity to be heard and to offer evidence bearing thereon; and

Whereas, the complete record of said hearing has been transmitted to the Administrator,

Now, therefore, Notice is hereby given:

That the Administrator will receive written briefs (not fewer than twelve copies) on or before February 27, 1941, at the Department of Labor, Washington, D. C., from any person who entered an appearance at said hearing, and will hear oral argument upon the complete record of said hearing on March 6, 1941, at 10:00 a. m., in Room 3229, Department of Labor Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., by any person who entered an appearance at said hearing, provided that on or before February 27, 1941, such person notifies the Wage and Hour Division of his intention to offer oral argument and of the amount of

time he will require to make his presentation.

Signed at Washington, D. C., this 11th day of February 1941.

PHILIP B. FLEMING,
Administrator,
Wage and Hour Division,
U. S. Department of Labor.

[F. R. Doc. 41-1054; Filed, February 12, 1941;
11:43 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Determination and Order, November 8, 1939 (4 F.R. 4531), as amended, April 27, 1940 (5 F.R. 1586).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective February 13, 1941. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY,
PRODUCT, NUMBER OF LEARNERS, AND EX-
PIRATION DATE

S. Arenstein Company, 1620 Manhattan Avenue, Union City, New Jersey; Ap-

parel; Shirts; 5 learners (75% of the applicable hourly minimum wage); February 13, 1942.

A. Brash and Brother, 327 West Baltimore Street, Baltimore, Maryland; Apparel; Trousers; 5 learners (75% of the applicable hourly minimum wage); February 13, 1942.

Cadillac Shirt Company, 374 Elm Street, Perth Amboy, New Jersey; Apparel; Shorts, Shirts; 5 percent (75% of the applicable hourly minimum wage); February 13, 1942.

Dickson-Jenkins Manufacturing Company, 202 St. Louis Avenue, Fort Worth, Texas; Apparel; Men's & Boys' Clothing & Other Outerwear, Single Pants & Breeches other than 100% cotton; Single Pants & Breeches 100% cotton; 12 learners (75% of the applicable hourly minimum wage); February 13, 1942.

The Drybak Corporation, 67 Frederick Street, Binghamton, New York; Apparel; Leather Belts, Hunting & Blanket lined Coats, Cotton & Wool Breeches, Cotton Trousers; 5 percent (75% of the applicable hourly minimum wage); February 13, 1942.

Farah Mfg. Company, 208 San Francisco Street, El Paso, Texas; Apparel; Pants; 30 learners (75% of the applicable hourly minimum wage); June 12, 1941.

Florida Sportswear Corporation, 2202 North Howard Avenue, Tampa, Florida; Apparel; Cotton & Rayon Shirts, Cotton & Cotton Mixtures Pants; 35 learners (75% of the applicable hourly minimum wage); June 12, 1941.

Jacob Finkelstein & Sons, 128 Singleton Street, Woonsocket, Rhode Island; Apparel; Raincoats, Jackets, Mackinaws; 10 learners (75% of the applicable hourly minimum wage); June 12, 1941.

The Fruhauf Southwest Uniform Company, 127 North Topeka Avenue, Wichita, Kansas; Apparel; Uniform Coats, Trousers, Caps; 5 learners (75% of the applicable hourly minimum wage); February 13, 1942.

Kahn Mfg. Company, Corner Royal & St. Louis Streets, Mobile, Alabama; Apparel; Pants, Overalls, Suits; 6 learners (75% of the applicable hourly minimum wage); February 13, 1942.

Marx Clothing Company, 110 S. Mulberry Street, Mt. Carmel, Illinois; Apparel; Woolen Suits; 1 learner (75% of the applicable hourly minimum wage); May 8, 1941.

Medaryville Garment Company, Medaryville, Indiana; Apparel; Overalls; 4 learners (75% of the applicable hourly minimum wage); June 12, 1941.

Leonard Moonblatt, 4900 Longshore Street, Philadelphia, Pennsylvania; Apparel; Ladies' Blouses; 5 learners (75% of the applicable hourly minimum wage); February 13, 1942.

Morgan Shirt Company, Powell Avenue, Morgantown, West Virginia; Apparel; Shirts—Pajamas; 20 learners (75% of the applicable hourly minimum wage); June 12, 1941.

Payette Neckwear Company, 243 W. Congress Street, Detroit, Michigan; Apparel; Neckties; 3 learners (75% of the applicable hourly minimum wage); February 13, 1942.

Schaefferstown Garment Company, Schaefferstown, Pennsylvania; Apparel; Men's Pajamas; 15 learners (75% of the applicable hourly minimum wage); June 12, 1941.

I. Schneierson and Sons, Inc., 113 West Redwood Street, Baltimore, Maryland; Apparel; Children's dresses, Ladies' Uniforms; 25 learners (75% of the applicable hourly minimum wage); May 29, 1941.

Tennessee Overall Company, 401 Atlantic Street, Tullahoma, Tennessee; Apparel; Overalls & Pants; 17 learners (75% of the applicable hourly minimum wage); May 29, 1941.

Texas Infants' Dress Company, Inc., 1202 West Houston Street, San Antonio, Texas; Apparel; Children's Outerwear; 1 learner (75% of the applicable hourly minimum wage); May 8, 1941.

United Pants Company, Inc., Shoe-maker Street, Swoyerville, Pennsylvania; Apparel; Pants, Jackets, Shirts; 5 percent (75% of the applicable hourly minimum wage); February 13, 1942.

Indiana Textile Mills Company, Indiana, Pennsylvania; Hosiery; Full Fashioned; 5 learners; October 13, 1941.

Russell Hosiery Mill, Candor, North Carolina; Hosiery; Seamless; 5 learners; February 13, 1942.

Russell Hosiery Mill, Candor, North Carolina; Hosiery; Seamless; 15 learners; October 13, 1941.

Williamsport Hosiery Corporation, Williamsport, Maryland; Hosiery; Full Fashioned; 5 learners; February 13, 1942.

Charles H. Bacon Company, Lenoir City, Tennessee; Textile; Cotton Yarn; 3 percent; February 13, 1942.

Chenille Manufacturing Company, Inc., 28½ East Second Street, Sand Springs, Oklahoma; Textile; Tufted Bedspreads, Chenille Robes, Bath Mats; 3 learners; February 13, 1942.

Heller-Hardt Hatband Company, West Main Street, Bath, Pennsylvania; Textile; Hatbands; 3 learners; February 13, 1942.

J. & C. Bedspread Company, Ellijay, Georgia; Textile; Chenille Bedspreads; 5 percent; February 13, 1942.

U. S. Rubber Company, Winnsboro Mills, Winnsboro, South Carolina; Textile; Tire Cord; 3 percent; February 13, 1942.

Energetic Worsted Corporation, 2nd and Depot Streets, Bridgeport, Pennsylvania; Woolen; Worsted Yarn; 3 percent; February 13, 1942.

Signed at Washington, D. C., this 12th day of February 1941.

GUSTAV PECK,
Authorized Representative
of the Administrator.

[F. R. Doc. 41-1051; Filed, February 12, 1941;
11:42 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under Section 6 of the Act are issued under section 14 thereof and part 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective February 13, 1941.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Hollywood Camera Exchange, Ltd., 1600 North Cahuenga Boulevard, Hollywood, California; Manufacture of Camera Lens Shades, Repair of Cameras; 2 learners; 8 weeks for any one learner; 25 cents per hour; Photographic Equipment Machinist; April 24, 1941.

Signed at Washington, D. C., this 12th day of February 1941.

GUSTAV PECK,
Authorized Representative
of the Administrator.

[F. R. Doc. 41-1052; Filed, February 12, 1941; 11:42 a. m.]

NOTICE OF CLOSING DATE FOR SUBMISSION OF WRITTEN BRIEFS IN THE MATTER OF MINIMUM WAGE RECOMMENDATION OF INDUSTRY COMMITTEE NO. 18 FOR THE ENAMELED UTENSIL INDUSTRY

Notice is hereby given that the Administrator of the Wage and Hour Division will receive at his office in the Department of Labor Building, Washington, D. C., from persons who appeared January 27, 1941, at the hearing on the minimum wage recommendation of Industry Committee No. 18 for the Enameled Utensil Industry, written briefs bearing on the issues which are before him in this matter, provided that at least twelve copies of each such brief shall be submitted to him before 4:30 p. m., Thursday, February 27, 1941.

No. 30—2

Signed at Washington, D. C., this 12 day of February 1941.

PHILIP B. FLEMING,
Administrator,
Wage and Hour Division.

[F. R. Doc. 41-1053; Filed, February 12, 1941; 11:42 a. m.]

NOTICE OF HEARING ON PROPOSED JOINT REGULATIONS OF THE SECRETARY OF LABOR AND THE ADMINISTRATOR OF THE WAGE AND HOUR DIVISION OF THE DEPARTMENT OF LABOR CONCERNING THE EMPLOYMENT OF LEARNERS AT SUBMINIMUM RATES IN THE APPAREL INDUSTRY UNDER THE FAIR LABOR STANDARDS ACT OF 1938 AND THE COTTON GARMENTS AND ALLIED PRODUCTS, UNIFORM AND CLOTHING, WORK GLOVES, AND MEN'S RAINCOAT INDUSTRIES UNDER THE PUBLIC CONTRACTS ACT

Whereas, the Secretary of Labor has issued minimum wage determinations for the following industries providing for certain learner tolerances:

Cotton garments and allied industries.
Uniform and clothing industry.
Work Gloves.
Men's Raincoats.

pursuant to the provisions of the Public Contracts Act, and

Whereas, the Administrator of the Wage and Hour Division has issued regulations concerning the employment of learners in the Apparel Industry (as defined in the Administrator's wage order effective July 15, 1940) at subminimum wage rates, pursuant to the provisions of the Fair Labor Standards Act of 1938; and

Whereas, it is deemed advisable to coordinate the procedure for the employment of learners at subminimum wage rates in the above-listed industries under the Public Contracts Act with the procedure for the employment of learners in the Apparel Industry under the Fair Labor Standards Act of 1938 by promulgating joint regulations for the employment of learners at subminimum rates and by requiring employers subject to the provisions of either Act to obtain special certificates pursuant to these regulations permitting the employment of learners at subminimum rates,

Now, therefore, notice is hereby given that a public hearing will be held in Room 3229, Department of Labor Building, Washington, D. C., beginning at 10:00 a. m., February 27, 1941, before a presiding officer to be designated prior to such hearing by the Secretary of Labor and the Administrator of the Wage and Hour Division to take testimony on the following question:

Whether there shall be issued the joint regulations proposed below for the employment of learners at subminimum wage rates in the Apparel Industry, (as defined by the Administrator's wage

order for said industry effective July 15, 1940) pursuant to the Fair Labor Standards Act of 1938, and in the following industries defined in the Secretary's minimum wage determinations:

Cotton garments and allied industries.
Uniform and clothing industry (excepting the suit and coat branch).
Work Gloves.
Men's Raincoats.

The proposed regulations are tentative and any party to this proceeding may propose any modifications thereof which he considers appropriate.

Any interested party wishing to appear at this hearing may do so by filing notice of intention and approximate time required with the Administrator of the Wage and Hour Division prior to February 21, 1941, or may file briefs and arguments pertaining to this proposed Order by February 21, 1941.

On the close of the hearing, the presiding officer shall file a complete record of the proceedings with, and shall make findings of fact and recommendations to the Secretary of Labor and the Administrator of the Wage and Hour Division.

PROPOSED JOINT REGULATIONS OF THE SECRETARY OF LABOR AND THE ADMINISTRATOR OF THE WAGE AND HOUR DIVISION OF THE DEPARTMENT OF LABOR CONCERNING THE EMPLOYMENT OF LEARNERS AT SUBMINIMUM RATES

1. *Employment of learners.* No employee who is subject to the provisions of the Fair Labor Standards Act of 1938 or to the provisions of the Act of June 30, 1936, 49 Stat. 2036, 41 U.S.C. Supp. III, 35 (hereinafter referred to as the Public Contracts Act) and who is employed as a learner in any industry to which these regulations are applicable, shall be paid less than the minimum wage prescribed by the applicable minimum wage determination of the Secretary of Labor under the Public Contracts Act or minimum wage order of the Administrator of the Wage and Hour Division (hereinafter referred to as the Administrator) under the Fair Labor Standards Act of 1938, as amended, unless his employer has first obtained a special learner certificate from the Wage and Hour Division of the Department of Labor pursuant to these regulations.

II. *Issuance of special learner certificates.* Special learner certificates authorizing the employment of learners at subminimum rates in the industries to which these regulations are applicable shall be issued upon the terms and conditions specified herein to any employer making application therefor on forms provided by the Wage and Hour Division, provided that experienced workers are not available and that the issuance of such certificates will not create unfair competitive labor cost advantages and will not impair or depress working standards established for experienced workers in the industry.

III. Industries subject to the regulations. These regulations shall apply to all divisions of the Apparel Industry as defined by the Administrator's Wage Order effective July 15, 1940, with the exception of artificial flowers and feathers, which continue subject to the learner regulations issued by the Administrator effective October 24, 1940, and with the exception of the following divisions of the Apparel Industry in which learners shall receive the minimum wage rate applicable to all employees under the said Wage Order of the Administrator:

Men's and boys' clothing.
Caps and cloth hats.
Ladies' handbags.
Women's cloaks, suits, and separate skirts.
Covered buttons and buckles.
Garters, suspenders and arm bands.
Men's neckwear and scarfs.
Better grade dresses (dresses other than house dresses and kindred articles of apparel).
Handkerchiefs.
Belts.

All regulations previously issued by the Administrator on the employment of learners in the Apparel Industry and the order previously issued on the employment of learners in the glove industry are hereby repealed and superseded. Any provisions of Regulations, Part 522, "Applicable to the employment of learners pursuant to section 14 of the Fair Labor Standards Act of 1938" inconsistent with the provisions contained herein are modified in so far as these regulations are concerned.

These regulations shall also apply to all divisions of the cotton garments industry and allied industries as defined by the Secretary's minimum wage determinations effective August 2, 1937, February 14, 1938, May 13, 1938, and March 6, 1941, with the exception of the men's and youths' wash suits division in which learners shall receive the minimum wage rates applicable to all employees pursuant to the Secretary's minimum wage determination; the uniform and clothing industry as defined by the Secretary's minimum wage determination effective February 25, 1941, with the exception of the suit and coat division which continues subject to the tolerance provisions of said determination and with the exception of the wool uniform trousers division in which learners shall receive the minimum wage rate applicable to all employees pursuant to the Secretary's minimum wage determination; and the work gloves and men's raincoat industries as defined by the Secretary's minimum wage determinations effective August 2, 1937. The learner tolerance provisions contained in said minimum wage determinations with the exception of the tolerance for the suit and coat division of the uniform and clothing industry are hereby repealed and superseded.

IV. Occupations for which special learner certificates may be issued—A. Gloves. Special learner certificates may be issued only for the occupations of hand and machine stitching operations on leather dress gloves, machine stitching operations on knit fabric and work gloves and finger knitting and finger closing operations on knit wool gloves.

B. Other industries or divisions. Special learner certificates may be issued only for the occupations of machine operating (except cutting), pressing, and hand sewing of products other than gloves.

V. Compensation of learners. Every learner employed pursuant to a special learner certificate shall be compensated at whichever of the following rates yields the greater sum:

INDUSTRIES OR DIVISIONS AS DEFINED BY THE SECRETARY'S MINIMUM WAGE DETERMINATIONS UNDER THE PUBLIC CONTRACTS ACT

25 Cents per Hour

Cotton trousers.
Overalls, overall jackets, and one-piece overall suits.
Men's and youths' work shirts.
Men's, youths' and boys' sleeping garments.
Shirts and nightwear (including flannel).
Work gloves.
Barrack bags and bandoleers.
Ammunition and cartridge belts made of textiles.
Cot covers.
Fabric pouches and carriers for first aid equipment such as:
Kit canteen ring straps.
Kit inserts.
Kit laces.
Kit pouches.
Kit suspenders.
Mattress covers.
Mosquito bars.
Wardrobe bags with draw-strings, made of textiles.

27½ Cents per Hour

Washable service apparel.
Other cotton outerwear.
Trousers and knickers not made wholly of wool.

30 Cents Per Hour

Men's raincoats.
Oiled waterproof cotton outer garments.
Outdoor jackets.

VII. Number and proportion of learners—A. Turnover ratio. Learners employed under a special learner certificate for labor turnover shall not exceed at any one time 5 percent of the total number of productive factory workers employed in the plant (not including office and sales personnel): *Provided, however,* That if the total factory employment is less than 100, the employment of as many as 5 learners may be authorized in a special learner certificate.

(1) An hourly wage rate or rates not less than the minimum hourly wage rate or rates set forth in Section VI for the industry division or divisions in which he is employed;

(2) the piece rate or rates paid to any other employee engaged in the same occupation in the establishment in which such learner is employed.

VI. Minimum hourly wage rates for learners. The minimum hourly wage rates for learners shall be as follows for each industry or industry division as defined by the applicable minimum wage determination of the Secretary of Labor under the Public Contracts Act or the minimum wage order of the Administrator under the Fair Labor Standards Act of 1938, as amended:

INDUSTRY DIVISIONS AS DEFINED BY THE ADMINISTRATOR'S WAGE ORDER UNDER THE FAIR LABOR STANDARDS ACT OF 1938, AS AMENDED

Single pants and breeches of 100% cotton fabric, overalls, coveralls and work shirts.
Dress shirts, collars and sleeping wear.
Work gloves and mittens.
Men's and boys' underwear of woven fabric.
Washable service apparel.
Robes.
Single pants and breeches other than those of 100% cotton fabric.
Gloves and mittens other than work gloves and mittens.
House dresses and kindred articles of apparel.
Women's blouses, shirtwaists, neckwear and scarfs.
Corsets and allied garments.
Women's underwear, nightwear and negligees made of woven fabric.
Infants' and children's outerwear.

Rainwear.
Sportswear and other odd outerwear.
Leather and sheep-lined garments.

B. New and expanding plants. Special learner certificates permitting employment of learners in excess of the turnover ratio shall be issued to new or expanding plants to the extent of actual needs but in no event shall a plant be authorized to employ learners for any purpose at subminimum rates in a number exceeding 10 percent of total factory employment.

VIII. Length of learning period. No person shall be employed as a learner

pursuant to a special learner certificate who shall have ceased to be a learner as defined in Section IX, A.

IX. *Definitions.* A. "Learner"—a learner in any occupation described in Section IV, A. is a person who during the immediately preceding three years shall not have been employed by any employer for more than 480 hours in such occupation; a learner in any other occupation is a person who during the immediately preceding two years shall not have been employed by any employer for more than 320 hours in such occupation.

B. "Experienced worker"—an experienced worker is a person who is not a "learner" as defined in paragraph A of this section and who is capable of equaling the production of a worker of ordinary skill and experience.

C. "Available"—an experienced worker shall be considered available if he resides within the area from which the employer customarily draws his labor supply or has in fact made himself available to the employer at the plant or place of employment.

D. Special cases involving the definition of "available" or "experienced" workers—the merits of special cases involving the definition of available or experienced worker which present singular or unusual facts or circumstances will be given due consideration.

E. "New Plant"—a new plant is a plant which has not been in operation for more than 8 months prior to the time application is made for a special learner certificate.

F. "Expanding Plant"—an expanding plant is an establishment in which, within 1 month immediately preceding the date of any application for a special learner certificate, additional mechanical equipment or other additional production facilities have been installed.

X. *Revocation of special learner certificates.* A. Any special learner certificate may be canceled if it is found that it is not necessary to prevent a curtailment of opportunities for employment: *Provided, however,* That when experienced workers become available after such a certificate has been issued, the certificate may be canceled in so far as future employment is concerned, or may be allowed to continue in effect,

upon condition that the employer hire no additional learners thereunder until experienced workers cease to be available. In the absence of fraud or misrepresentation learners already hired under a special learner certificate may be retained under the terms of such certificate if the learning period extends beyond the date on which the certificate has been canceled.

B. Any special learner certificate shall be canceled as of the date of issue if it is found that the certificate has been obtained by fraud or misrepresentation; and upon any such cancellation the liability of the employer and the rights of every person employed as a learner under such certificate shall be determined as though no such certificate had ever been issued.

C. Any special learner certificate shall be canceled as of the first date of violation if it is found that any person has been employed thereunder in violation of its terms; and upon any such cancellation the liability of the employer and the rights of every person employed as a learner under such certificate shall be determined as though no such certificate had ever been issued.

XI. *Application for reconsideration and petition for review.* Any person aggrieved by the action of an authorized representative denying, granting, confirming, cancelling or revoking any special learner certificate

A. may, within fifteen days after publication of notice of the action (a) make application for reconsideration thereof by the authorized representative who made the decision in the first instance if it can be shown that there is additional evidence which may materially affect the decision and that there were reasonable grounds for failure to adduce such evidence in the original proceedings, or (b) file a petition for review thereof by the Secretary of Labor (in the case of action relating to the employment of learners under the Public Contracts Act) or the Administrator (in the case of action relating to the employment of learners under the Fair Labor Standards Act of 1938) or by both the Secretary of Labor and the Administrator (in the case of action relating to the employment of learners under both such Acts). Such petition must set forth grounds for the requested review. The petition will be

examined by the Secretary of Labor or the Administrator or an authorized representative who has taken no part in the action which is sought to be reviewed.

B. if an application for reconsideration is denied any person aggrieved by such action may, within fifteen days after publication thereof, file a petition for review.

C. if an application for reconsideration is granted, all interested parties will be afforded an opportunity to present their views either in support of or in opposition to the matters prayed for in the application for reconsideration. Upon publication of the reconsidered determination, all interested persons may, within fifteen days thereafter, file a petition for review.

D. If a petition for review is granted, all interested persons will be afforded an opportunity to present their views either in support of or in opposition to the matters prayed for in such petition. Action taken upon a petition for review shall be final.

XII. *Amendment and revocation of regulations.* The Secretary of Labor and the Administrator of the Wage and Hour Division may at any time, upon their own motion or upon written request of any interested party setting forth reasonable grounds therefor, amend or revoke these regulations. All interested persons will be granted a hearing or other opportunity will be afforded for the presentation of their views where such hearing or presentation appears to be appropriate.

Signed at Washington, D. C., this 12th day of February 1941.

FRANCES PERKINS,
Secretary of Labor.
PHILIP B. FLEMING,
Administrator.

APPENDIX I

The following schedule shows the sub-minimum wage rates for learners and learning periods which are now in effect under certain minimum wage determinations of the Secretary and the learner regulations of the Administrator for the apparel industry and the changes contained in the proposed joint regulation of the Secretary and the Administrator. It is attached for the information and convenience of the parties appearing at the hearing scheduled in this notice.

Industries or divisions as defined by the Secretary's minimum wage determinations under the Public Contracts Act	Present terms		Proposed terms	
	Subminimum rate for learners	Learning period	Subminimum rate for learners	Learning period
Cotton trousers.				
Overalls, overall jackets, and one-piece overall suits.				
Men's and youths' work shirts.				
Men's, youths' and boys' sleeping garments.				
Shirts and nightwear (including flannel).				
Barrack bags and bandoliers.				
Ammunition and cartridge belts made of textiles.				
Cot covers.				
Fabric pouches and carriers for first aid equipment such as Kit, entlie ring straps; Kit inserts; Kit faces; Kit pouches; Kit suspenders.				
Mattress covers.				
Mosquito bars.				
Wardrobe bags with drawstrings, made of textiles.				
Work gloves.				
Washable service apparel.				
Other cotton underwear.				
Trousers and knickers not made wholly of wool.				
Men's raincoats.				
Oiled waterproof cotton undershirts.				
Outdoor jackets.				

In certain industry divisions of the Apparel Industry as defined by the Wage Order of the Administrator, the present learner regulations of the Administrator of the Wage and Hour Division do not provide for the employment of learners at subminimum rates and it is proposed that the learners in such divisions shall continue to receive the minimum wage rates applicable to all employees under the wage order of the Administrator. The industry divisions and the applicable minimum wage rates prescribed by the Administrator's wage order are as follows:

	Cents an hour
Men's and boys' clothing.....	40
Caps and cloth hats.....	40
Women's cloaks, suits, and separate skirts.....	40
Belts.....	40
Ladies' handbags.....	35
Covered buttons and buckles.....	35
Garters, suspenders and arm bands.....	35
Men's neckwear and scarfs.....	35
Better grade dresses (dresses other than house dresses and kindred articles of apparel).....	35
Handkerchiefs.....	32½

It is also proposed that learners in the men's and youths' wash suits division as defined in the cotton garment and allied industries minimum wage determination of the Secretary shall receive the minimum wage rate of 37½ cents an hour applicable to all employees pursuant to said determination in lieu of the present provisions for the employment of learners which are: \$8.00 a week for the first four weeks, \$10.00 a week for the second four weeks, and \$12.00 a week for the third four weeks. Learners in the wool uniform trouser division of the uniform and clothing industry as defined by the Secretary's minimum wage determination, effective February 25, 1941, shall continue to receive the 40 cent minimum wage rate applicable to all employees pursuant to the said determination without provision for special subminimum rates.

[F. R. Doc. 41-1061; Filed, February 12, 1941; 11:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6004]

APPLICATION OF COMMODORE BROADCASTING, Inc. (WSOY)

NOTICE OF HEARING

Application dated November 15, 1940, for construction permit; class of service, broadcast; class of station, broadcast; location, Decatur, Illinois; operating assignment specified: Frequency, 1290 kc. (1320 kc. under NARBA); power, 1 kw. night, 5 kw. day (DA-night), hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine whether the granting of the application would be consistent with the Standards of Good Engineering Practice.

2. To determine whether the granting of this application would tend toward a fair, efficient and equitable distribution of radio service as contemplated by Section 307 (b) of the Communications Act of 1934, as amended.

3. To determine the nature and extent of any interference which would result to the service of Stations WEBC, Duluth, Minn., and WJAS, Pittsburgh, Pa., should Station WSOY operate as proposed simultaneously with Stations WEBC and WJAS.

4. To determine the area and population served by Station WSOY, as now operated, and the area and population which would be served by operation of WSOY as proposed.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Commodore Broadcasting, Inc., Radio Station WSOY, 353-357 North Main St., Decatur, Illinois.

Dated at Washington, D. C., February 11, 1941.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-1045; Filed, February 12, 1941; 10:34 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5676]

IN THE MATTER OF SOUTH CAROLINA UTILITIES COMPANY

NOTICE OF APPLICATION

FEBRUARY 11, 1941.

Notice is hereby given that on February 10, 1941, an application was filed with the Federal Power Commission, pursuant to Section 203 of the Federal Power Act, by South Carolina Utilities Company, a corporation organized and existing under and by virtue of the laws of the State of South Carolina, having its principal business office at Conway, South Carolina, for an order authorizing and approving the sale of all the properties of the South Carolina Utilities Company to the South

Carolina Public Service Authority, a body corporate and politic created by special act of the legislature of South Carolina, for a cash consideration of \$835,000, subject to adjustments; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or make any protest with reference to said application should, on or before the twenty-first day of February 1941, file with the Federal Power Commission a petition or protest in accordance with the Commission's Rules of Practice and Regulations.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 41-1042; Filed, February 12, 1941; 9:53 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 56-85]

IN THE MATTER OF CENTRAL U. S. UTILITIES COMPANY

NOTICE OF AND ORDER FOR REOPENING OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 11th day of February, A. D. 1941.

The above-named party having filed an application, as amended, with this Commission pursuant to the Public Utility Holding Company Act of 1935, and particularly section 12 (d) thereof and Rule U-12D-1 of the Rules and Regulations promulgated thereunder, for approval of the indirect sale by it of all the public-utility assets of its wholly-controlled subsidiary, Indiana Gas Utilities Company;

The Commission, on January 13, 1941, having entered its Findings and Opinion and Order approving the sale of the "Richmond Division" of the Indiana Gas Utilities Company to Richmond Gas Company, and reserving jurisdiction on the remaining matters, including the sale of the "Terre Haute Division" to the Terre Haute Gas Company, as deemed necessary or appropriate, and reserving jurisdiction over the accounting treatment to be accorded the transaction on the books of Central U. S. Utilities Company;

It appearing to the Commission that it is appropriate and in the public interest and in the interests of investors and consumers that the hearing be reopened with respect to said application, and that said application shall not become effective except pursuant to further order of the Commission;

It is ordered, That the hearing on such matter be reopened, under the applicable provisions of the Act and the Rules of the Commission thereunder, on February 26, 1941, at 10:00 A. M., at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW.,

Washington, D. C. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That, without limiting the scope of issues presented by said application, particular attention will be directed at said hearing to the following matters and questions:

(1) Whether the sale of the "Terra Haute Division" will redound to the interests of the investors and consumers; and

(2) Whether the accounting treatment to be accorded the sale of the public-utility assets of the Indiana Gas Utilities Company on the books of Central U. S. Utilities Company conforms to the Commission's "Uniform System of Accounts for Public Utility Holding Companies" and correct accounting practice.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-1047; Filed, February 12, 1941;
11:35 a. m.]

[File No. 70-246]

IN THE MATTER OF COLUMBIA GAS &
ELECTRIC CORPORATION

ORDER PERMITTING DECLARATION TO BECOME
EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 11th day of February, A. D. 1941.

The above-named person having filed a declaration pursuant to the Public Utility Holding Company Act of 1935, particularly Rule U-12B-1 promulgated thereunder, with respect to extending its credit to Home Gas Company, its wholly-owned subsidiary, by becoming surety on a bond to be executed by Home Gas Company as principal, pursuant to order of the Federal Power Commission, said bond binding the companies to the United States

and to the Federal Power Commission in the sum of \$150,000 for the benefit of certain customers of Home Gas Company; and

Said declaration having been filed on February 5, 1941, and an amendment thereto having been filed on February 7, 1941, and notice of said filing having been duly given in the form and manner prescribed by Rule U-8 promulgated under said Act, and the Commission not having received a request for a hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and the above-named party having requested that said declaration, as amended, be permitted to become effective before February 13, 1941, when the time fixed by the order of the Federal Power Commission for the filing of said bond expires; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration, as amended, pursuant to Rule U-12B-1 to become effective, and being satisfied that the date of permitting said declaration, as amended, to become effective should be advanced;

It is hereby ordered, Pursuant to said Rule U-8 and the applicable provisions of the Act, subject to the terms and conditions prescribed in Rule U-9, that the aforesaid declaration, as amended, be and the same hereby is permitted to become effective forthwith.

By the Commission. Commissioner Healy dissented for the reasons set forth in his memorandum of April 1, 1940.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-1049; Filed, February 12, 1941;
11:35 a. m.]

[File No. 70-249]

IN THE MATTER OF BIRMINGHAM GAS
COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 12th day of February, A. D. 1941.

Notice is hereby given that an application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party; and

Notice is further given that any interested person may, not later than March 1, 1941, at 1:00 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such application, as filed or as amended, may be granted, as provided in Rule U-8 of the Rules and Regulations promulgated pursuant to said Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

The applicant, a public utility subsidiary in the system of Community Gas and Power Company, a registered holding company, proposes to issue and sell on April 1, 1941, to Northwestern Mutual Life Insurance Company, Milwaukee, Wisconsin, \$5,850,000 principal amount of First Mortgage Bonds, 3½% Series Due 1971, at a price of 105.02% of the principal amount thereof. The bonds are to be secured by a first lien on all of applicant's physical property and franchises (with certain minor exceptions), evidenced by an indenture of mortgage to Chemical Bank & Trust Company, New York, as trustee.

Proceeds of such sale will be devoted to the redemption of \$5,850,000 principal amount of applicant's First Mortgage Gold Bonds, 5% Series Due 1959, at 103.75% of their principal amount; to the payment of a fee of \$29,250 to Halsey, Stuart & Co., Inc., for its services in negotiating such sale and in assisting and advising applicant in other respects in connection therewith; and to the payment of estimated expenses of \$39,910.

The issuance and sale of said bonds have been approved by the Alabama Public Service Commission on January 27, 1941. Applicant has designated section 6 (b) of the Public Utility Holding Company Act of 1935 as applicable to the proposed transaction.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-1048; Filed, February 12, 1941;
11:35 a. m.]